

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

LAKESHA NORINGTON,)	
)	
Plaintiff,)	
)	
vs.)	1:11-cv-1095-SEB-DML
)	
UNITED STATES OF AMERICA, et al.,)	
)	
Defendants.)	

Entry Directing Severance of Claim Challenging State Conviction

I.

It has already been noted in this action that the plaintiff's complaint violates the misjoinder of claims prohibition of Rule 18 of the *Federal Rules of Civil Procedure*. The plaintiff was directed to remedy this violation. The result was the plaintiff's filing of October 20, 2011, entitled *plaintiff's supplemental reply*.

II.

The *plaintiff's supplemental reply* also violates Rule 18. It does so in multiple respects. It does so based on the diversity of claims against the multitude of defendants. In such a situation, A[t]he court may . . . sever any claim against a party.® **FED.R.CIV.P. 21**.

This Entry addresses one specific violation, that being the plaintiff's challenge to the legality of his conviction in an Indiana state court. The remedy in this instance, as to Norington's specific claim that his conviction in an Indiana state court is unlawful and that he is therefore entitled to his immediate release, will be to sever the misjoined claim and process it as a new civil action. This shall be done consistent with the directions in Part III of this Entry, and when those instructions are carried out that portion of this action will be deemed dismissed from this action.

Notwithstanding the severance of the claim described above, the action is not concluded as to any of the defendants.

III.

The Nature of Suit code of the new action to be opened is 530.

The Cause of Action code of the new civil action to be opened is 28:2254(a).

The assignment of judicial officers in the new civil action shall be by random assignment.

The initial pleading in the new civil action shall be a composite of page 1 of the original complaint and pages 1-2 and 12-13 of the *plaintiff's supplemental reply*. The initial pleading is to be docketed as "petition for writ of habeas corpus."

The parties in the new civil action to be opened are: *Petitioner – Lakisha Norington*; and *Respondent – Superintendent, Westville Correctional Facility*.

A copy of this Entry shall be docketed in the new civil action.

IT IS SO ORDERED.

Date: 02/16/2012



SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

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Note to Clerk: Processing this document requires actions in addition to docketing and distribution.